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08 UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

09 NATHAN R. GONINAN,

10 Plaintiff,

11 v.

12 DAVE OSTER,

13 Defendant.
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) Case No. 07-1099-RAJ-JPD
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REPORT AND RECOMMENDATION

15 I. FACTS AND PROCEDURAL BACKGROUND

16 The present matter comes before the Court on defendant's Motion to Dismiss. Dkt.
17 No. 21. On July 16, 2007, plaintiff filed a civil rights complaint pursuant to 42 U.S.C. § 1983,
18 together with an application to proceed *in forma pauperis* ("IFP"). Dkt. No. 1. Between July
19 17, 2007 and August 7, 2007, the Court successfully corresponded with plaintiff via U.S. Mail
20 at his Snohomish County Jail address to correct deficiencies in his IFP application, grant his
21 amended IFP application, and to direct service upon the defendant in this case. Dkt. Nos. 3, 5,
22 7. Subsequent correspondence mailed by the Court to plaintiff, however, has been returned
23 with the notation "not at this address," or words to that effect. See Dkt. No. 19.

24 II. DISCUSSION

25 Local Rule CR 41 states, in pertinent part, as follows:

26 A party proceeding pro se shall keep the court and opposing parties advised as
to his current address. If mail directed to a pro se plaintiff by the clerk is

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01 returned by the post office, and if such plaintiff fails to notify the court and
02 opposing parties within sixty days thereafter of his current address, the court
may dismiss the action without prejudice for failure to prosecute

03 Local Rule CR 41(b)(2).

04 On September 14, 2007, the Court was notified that plaintiff could no longer be
05 reached at his Snohomish County Jail address. Dkt. No. 19. Over 130 days have passed since
06 that time. To date, plaintiff has failed to provide his current mailing address or otherwise
07 contact the Court.

08 III. CONCLUSION

09 Plaintiff has failed to properly inform the Court and opposing parties of his current
10 mailing address. He appears not to be proceeding with this lawsuit. Accordingly, the Court
11 recommends that defendant's Motion to Dismiss (Dkt. No. 21) be GRANTED, and plaintiff's
12 case be DISMISSED, without prejudice, for failure to prosecute. *See* Local Rule CR 41(b)(2).
13 A proposed order accompanies this Report and Recommendation.

14 DATED this 29th day of January, 2008.

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16 JAMES P. DONOHUE
17 United States Magistrate Judge
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